

management of the area will provide wetland habitat values equal to or greater than those present before the alteration.

(5) If wetland types 1 through 20 would be drained or otherwise altered because of structural measures designed for other purposes, land users and project sponsors will be advised of alternatives that will avoid or mitigate the incidental loss of these wetlands. Alternative treatments and/or mitigation measures, insofar as practicable, will ensure that wetland habitat values obtained are equivalent to those lost. NRCS will provide assistance only if one of the alternatives is selected for installation or adequate mitigation is agreed to. Provisions are to be made for managing these established wetlands to ensure that wetland habitat values obtained remain equal to or greater than those lost, insofar as practicable. Persons, organizations, or agencies other than the land user or project sponsors may assume these management responsibilities.

(6) NRCS will encourage land users and project sponsors to consider and use programs of other Federal, State, and local agencies and private organizations that may help to preserve wetlands.

(7) Besides complying with this rule and Executive Order 11990, in Minnesota, North Dakota, and South Dakota, NRCS will follow the provisions of Section 16A of the Soil Conservation and Domestic Allotment Act; Pub. L. 87-732, 16 U.S.C. 590 P-1, October 2, 1962.

(e) *Exceptions.* (1) State conservationists may grant written exceptions to these rules only:

(i) On a farm-by-farm basis for installing irrigation water management, water conservation, water quality, or erosion control systems, or where small, low-value wetlands occur as inclusions within cropland, hayland, or pastureland fields; or

(ii) For drainage or flood control measures in small rural communities where the purpose of the action is solely for protection of public health and safety.

(2) Upon application from a state conservationist, the NRCS Chief may grant a written exception to this rule taking into account economic, environ-

mental, and other pertinent factors in such proposed actions.

(3) The above exceptions shall be based on a documented finding that:

(i) There is no practicable alternative to the proposed activity, and

(ii) The proposed action includes all practicable measures to minimize any resulting loss to wetlands.

(f) *Public review.* NRCS will provide an opportunity for early public review of any project plans or proposals for new construction in wetlands, as described in § 650.9(d) of this part.

(7 CFR 2.62; E.O. 11990)

[47 FR 34114, Aug. 6, 1982]

## PARTS 651-652 [RESERVED]

### PART 653—TECHNICAL STANDARDS

Sec.

653.1 General.

653.2 Technical standards and criteria.

653.3 Adaptation of technical standards.

653.4 Availability of technical standards.

AUTHORITY: 7 CFR 2.62.

SOURCE: 43 FR 58079, Dec. 12, 1978, unless otherwise noted.

#### § 653.1 General.

The Natural Resources Conservation Service (NRCS) is responsible for the technical adequacy of conservation practices installed under all NRCS programs, and those practices applied under programs administered by the Agricultural Stabilization and Conservation Service (ASCS) where NRCS has the technical responsibility. NRCS technical or financial assistance will be provided when the practices are applied according to established technical standards.

#### § 653.2 Technical standards and criteria.

Technical standards and criteria have been established for all conservation practices. They provide the guidance and direction needed to assure that the practices meet the intended purpose and are of the quality needed to assure lasting for the design life. Standards and criteria are developed in

### § 653.3

consultation with universities, research institutions, and individual industrial and private firms and individuals. Research information and practical experience are used in setting standards. Changes and new technical standards and criteria are prepared in the same manner as set out above.

### § 653.3 Adaptation of technical standards.

Technical standards and criteria developed on a national basis may require special adaptation to meet local needs. These adaptations must be approved by the Administrator of the Natural Resources Conservation Service or his designee.

### § 653.4 Availability of technical standards.

Information on technical standards used by NRCS is available at field, area, or State offices of NRCS.

## PART 654—OPERATION AND MAINTENANCE

### Subpart A—General

Sec.

654.1 Purpose and scope.

654.2 Definitions.

### Subpart B—Federal Financially-Assisted Projects

654.10 Operation and maintenance agreement.

654.11 Sponsor(s)' responsibility.

654.12 Financing operations and maintenance.

654.13 Designating responsibility for operation and maintenance.

654.14 Duration of sponsor(s)' responsibility.

654.15 Operation and maintenance.

654.16 Property management.

654.17 Inspection.

654.18 Natural Resources Conservation Service responsibility.

654.19 Plan of operation and maintenance.

654.20 Violations of operation and maintenance agreement.

### Subpart C—Conservation Operations

654.30 Responsibility for operation and maintenance.

654.31 Performing operation and maintenance.

## 7 CFR Ch. VI (1-1-97 Edition)

### Subpart D—Emergency Watershed Protection

654.40 Responsibility for operation and maintenance.

654.41 Performance of operation and maintenance.

### Subpart E—Great Plains Conservation Program

654.50 Responsibility for operation and maintenance.

AUTHORITY: Pub. L. 83-566, 68 Stat. 666, as amended (16 U.S.C. 1001-1008). Sec. 1, Pub. L. 86-468, 74 Stat. 131, as amended (16 U.S.C. 1006a); sec. 2, Pub. L. 78-534, 58 Stat. 889 (33 U.S.C. 701a-1); sec. 13, Pub. L. 78-534, 58 Stat. 905; sec. 5, Pub. L. 93-251, 88 Stat. 15; Pub. L. 87-703, 76 Stat. 607 (7 U.S.C. 1010-1011); Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590a-f, q); Pub. L. 84-1021, 70 Stat. 1115, as amended (16 U.S.C. 590p(b)); sec. 216, Pub. L. 81-516, 64 Stat. 184 (33 U.S.C. 701b-1); 7 CFR 2.62.

SOURCE: 42 FR 58159, Nov. 8, 1977, unless otherwise noted.

### Subpart A—General

#### § 654.1 Purpose and scope.

(a) This part sets forth the operation and maintenance requirements pertaining to measures installed with Natural Resources Conservation Service (NRCS) assistance. This includes measures installed under the following programs:

(1) Federal financially-assisted projects.

(i) Watershed Protection and Flood Prevention (WP&FP). See part 622 of this title.

(ii) Flood Prevention (FP). See part 623 of this title.

(iii) Specifically authorized projects.

(iv) Resource Conservation and Development (RC&D).

(2) Conservation Operations (CO).

(3) Emergency Watershed Protection (EWP). See part 624 of this title.

(4) Great Plains Conservation Program (GP). See part 631 of this title.

(b) These regulations shall apply to all Federal financially-assisted projects as set forth in subpart B for the duration of their respective operation and maintenance agreements. However, this does not relieve the sponsor(s) of any liability which may continue beyond the evaluated life of the measure under Federal, State, and